

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 01-455-A
)	
ZACARIAS MOUSSAOUI)	
a/k/a "Shaqil,")	
a/k/a "Abu Khalid)	
al Sahrawi,")	
)	
Defendant.)	

ORDER

Defendant, pro se, continues to file repetitive motions addressing matters previously resolved by the Court. For example, in his Motion to Stop the Liars and Freedom of Information and Security of Zacarias Moussaoui (Docket #322), he insists that a deputy marshal be present in the grand jury room when he testifies. We have previously explained to the defendant that only specified persons may be in the grand jury room when he testifies. In his Motion [sic] Leonie Brinkema Embargo On Bro Freeman Legal Assistance Services to Me (Docket #325), Prolife Motion to Force Leonie Brinkema to Accept Bro Freeman [sic] Motion (Docket #331), and Motion to Have the Right to Get All Motion [sic] Filed in My Case and to Stop Standby Lawyer Interfering in My Pro Se Defense (Docket #332), the defendant continues to demand that Charles Freeman be permitted to provide him with legal advice and file motions on his behalf despite our numerous rulings that Charles Freeman is not qualified to be Mr. Moussaoui's legal advisor in this case. Finally, in his Motion to Stop Leonie Brinkema to [sic] Undermine My Chance to Live By

Her Smearing Campaign (Docket #333), the defendant, again, protests the Court's July 8, 2002 Order directing the United States to share certain information with Dr. William Stejskal and Dr. Raymond Patterson.

Because these motions repeat arguments already denied by our orders of July 3 and 11, 2002, the motions docketed as #s 322, 325, 331, 332 and 333 are DENIED.

Similarly, defendant's Motion to be Given a Print-Out of the Visa Application of Ramzi and Western Union Money Transfer of Abet Sabet (Docket #327) raises moot issues. On Friday, July 12, 2002, the United States, in compliance with our Order of July 11, 2002, provided the defendant with photocopies of those materials. Therefore, this Motion is DENIED.

The defendant has filed a Motion for Justice (Docket #324), and a Motion to Stop the FBI to Temper [sic] with Evidence and to Have Hussein Al Attas and Ali Mukaram Called as Witness [sic] (Docket #330) in which he insists that the United States produce an allegedly bugged electric fan. The United States has responded that it never seized the fan, and, therefore, has no way to produce it. Other than the defendant's refusal to accept this explanation, he offers no reason why the response is inadequate. Therefore, because the Court cannot order the United States to produce evidence it does not have, the motions docketed as #s 324 and 330 are DENIED as to the fan.

In his motion docketed as #330, the defendant also requests

that trial subpoenas be issued for Hussein Al Attas and Ali Mukaram. The Court will not rule on this, or any other request for the issuance of trial subpoenas, until and unless the defendant complies with Local Rule 45.¹

Lastly, in his motion docketed as #332, the defendant indicates that he was unaware that his standby counsel had filed a supplemental memorandum in support of their motion to dismiss the United States' Notice of Intent to Seek a Sentence of Death and objects to their filing any pleadings on his behalf. In a telephone conference in which the defendant and all counsel participated, the defendant indicated that he will not accept anything sent to him by his standby counsel. We advised him during that telephone conference and reiterate here that the defendant's intransigence as to cooperating with standby counsel is obstructing his ability to mount an effective defense.²

The Clerk is directed to forward copies of this Order to

¹ Local Rule 45(A) provides that pro se applications for subpoenas "must be accompanied by a memorandum setting forth the names and addresses of witnesses" and shall state why the witness testimony is sought. The application and memorandum will be reviewed by a district or magistrate judge, who will determine whether the requested subpoena(s) shall issue. Because a criminal defendant need not reveal potential witnesses to the United States before trial, the application and memorandum may be submitted ex parte and under seal.

² For example, our Order of July 11, 2002 directs standby counsel to provide Mr. Moussaoui with the names and credentials of potential surveillance and handwriting experts. If the defendant refuses to receive communications from standby counsel, it will be impossible for him to obtain the expert assistance he seeks and which this Court has authorized.

defendant, pro se; counsel for the United States; standby defense counsel; and the Court Security Officer.

Entered this 16th day of July, 2002.

/s/

Leonie M. Brinkema
United States District Judge

Alexandria, Virginia